THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.5936 of 1996

DATE: 23-12-2005

Between:

T. Pedda Nagaiah

.. Petitioner

A n d

The Revenue Divisional Officer, Land Acquisition Officer, Markapur, Prakasam District.

..Respondent

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.5936 of 1996

ORAL ORDER:

The case of the petitioner is that though he received the compensation for the lands acquired under the provisions of the Land Acquisition Act, 1894 (the Act), by the award passed by the respondent, under protest and made a representation to the

respondent on 05-08-1994 under Certificate of Posting for referring the case to Civil Court, respondent is not referring his case to a Civil Court for adjudication and determination of the proper compensation payable to him, and so necessary directions may be issued to the respondent.

2. In his counter affidavit respondent alleged that inasmuch as the petitioner received the compensation granted to him under the award without protest and did not file a petition seeking reference to a Civil Court under Section 18 of the Act, and disputed the averment in the affidavit of the petitioner about his sending a petition for reference of his case to a Civil Court under Section 18 of the Act by Certificate of Posting.

3. When the matter is called for hearing there is no representation for the petitioner. Heard the learned Assistant Government Pleader.

4. Along with the writ petition, the petitioner filed two unattested copies of letters dated 05-08-1994. In one letter addressed to the Revenue Divisional Officer, Markapur, it is stated that he is filing a suit in the Subordinate Judge's Court, Markapur, in connection with the "less compensation" awarded to him. In the other letter dated 05-08-1994 addressed to the Land Acquisition Officer, Markapur, he made a request to refer his case to the Civil Court for adjudication. If really petitioner sent the letter under certificate of posting on 05-08-1994, as alleged in para-3 of the affidavit filed in support of the petition, he could have filed the certificate of posting. But, he did not choose to file the certificate of posting. The letter dated 05-08-1994 addressed to the Land Acquisition Officer even if posted, cannot be construed as a request for reference to the Civil Court for determination of the market value filed within the time stipulated. So, respondent not referring the case of the petitioner to a Civil Court for adjudication cannot be said to be improper.

5. Therefore, I find no merits in this petition and hence the petition is dismissed with costs.

(C.Y.Somayajulu, J.)

Date: 23-12-2005

Cvrk